REMARKS/ARGUMENTS

Claims 1-14 are pending in the application. Claim 1 has been amended to indicate that the second coating comprises an inorganic or an inorganic-organic hybrid coating. Further, as amended, Claim 1 is directed to a protective covering for a polymeric substrate that contains a polycarbonate. Support for the amendments can be found at page 9, lines 18-19 and page 12, lines 19-24. Claims 3, 4, and 5 have been amended to correct punctuation.

Rejection under 35 U.S.C. §§ 102(e)

Claims 1-5 and 10-12 stand rejected under 35 U.S.C. § 102(e) as anticipated by WO 01/98393 A1 as evidenced by U.S. Patent No. 4,292,350 to Kubitza et al. (hereinafter "Kubitza").

The present invention is directed to a protective covering for a polymeric substrate containing a polycarbonate including at least a two-layer coating build-up. The first coating includes a two-component polyurethane adhesion promoter containing alkoxysilyl groups. The second coating contains an inorganic or an inorganic-organic hybrid coating.

WO 01/98393 A1 discloses two-component coating compositions having a binder component (I) and a hardener component (II). Binder component (I) has at least one active hydrogen containing compound. Hardener component (II) has an isocyanate functional compound (A), and a silane oligomer (B) containing at least two free isocyanate groups. Example 4 illustrates a clearcoat composition over the two-component coating composition.

Kubitza discloses that conventional biurets of HDI have an isocyanate content of 23.5 weight percent and a functionality greater than 3.

Applicants sought to provide protective coverings, in particular for polymeric substrates, to protect substrates from mechanical damage and/or environmental influences, such as, for example, UV light or contamination, which are not susceptible to optical impairment or inadequate stability due to weathering. Applicants were able to solve the problem by using the protective covering of the amended claims.

WO 01/98393 A1 provides a generic description of two-component coating compositions and does not disclose, or in any way suggest a second coating that contains an inorganic or an inorganic-organic hybrid coating.

In order to anticipate a claim, a prior art reference must disclose every limitation in the claim. As WO 01/98393 A1 does not disclose a second coating that contains an inorganic or an inorganic-organic hybrid coating, it cannot anticipate the claims and the rejection under 35 U.S.C. § 102(e) should be withdrawn.

Rejections under 35 U.S.C. §§ 103(a)

Claims 6-9 stand rejected under 35 U.S.C. § 103(a) as being obvious over WO 01/98393 A1 as evidenced by Kubitza in view of U.S. Patent No. 6,136,939 to Mager et al. (hereinafter "Mager"). The Examiner indicates that it would have been obvious to use the coatings disclosed in Mager as a top coatng in WO 01/98393 A1 to provide anti-graffiti properties to the prepared articles.

As an initial observation, Applicants do not understand why one skilled in the art looking to protect polymeric substrates from mechanical damage and/or environmental influences, such as, for example, UV light or contamination would look to anti-graffiti coatings for guidance and motivation.

Further, Manger discloses oligomers in organic solvents obtained by condensing identical or different cyclic organosilanes. Mager does not disclose, or in any way suggest the two-component protective covering for a polymeric substrate containing a polycarbonate that includes a first coating containing a two-component polyurethane adhesion promoter containing alkoxysilyl groups and a second coating containing an inorganic or an inorganic-organic hybrid coating.

The claims are not obvious over the combination of WO 01/98393 A1 and Kubitza, and Mager fails to provide any disclosure that would motivate a skilled artisan to make the claimed at least two-layer coating. Therefore, the at least two-layer coating for polymeric substrates of the amended claims is not obvious over the combination of WO 01/98393 A1, Kubitza and Mager and the rejection of Claims 6-9 under 35 U.S.C. § 103(a) should be withdrawn.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being obvious over WO 01/98393 A1 as evidenced by Kubitza in view of Mager and U.S. Published Application No. 2002/0142169 to Hofacker et al. (hereinafter "Hofacker").

Applicants assert that Hofacker is not a valid reference under either of 35 U.S.C. §§ 102(e) or 103(a) because it is not prior art against the present application. Hofacker and the present application were both filed on January 22, 2002 and claim priority to applications filed in Germany on January 24, 2001. In order to be a valid prior art reference, the asserted reference must antedate the application against which it is asserted. That is not the case here.

Because Hofacker is not a valid reference, the rejection of Claim 13 under 35 U.S.C. § 103(a) must be withdrawn.

Double Patenting Rejection

Claims 1-7 and 10-14 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-12 of copending Application No. 10/054,386, the Hofacker published application described above. Applicants submit herewith an appropriate Terminal Disclaimer overcoming the provisional double-patenting rejection, which should therefore be withdrawn.

CONCLUSION

Applicants assert that the claims are now in form for allowance. In view of the above amendments and remarks, reconsideration of the rejections and allowance of Claims 1-14 are respectfully requested.

Respectfully submitted,

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